

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

BNSF RAILWAY COMPANY and DUNLIETH  
TOWNSHIP in JO DAVIESS COUNTY,  
ILLINOIS,

Petitioners,

V

No. T07-0091

CANADIAN NATIONAL RAILWAY COMPANY  
and STATE OF ILLINOIS DEPARTMENT  
OF TRANSPORTATION,

Respondents .

Petition for an Order of the  
Illinois Commerce Commission  
authorizing the establishment of  
grade crossings inventoried as  
DOT #306 915E (M.P.181.62) and  
DOT #306 916L (M.P. 181.66), at what  
is commonly known as Barge Harbor  
Road near East Dubuque, Jo Daviess  
County, Illinois, as public grade  
crossings, at their intersection  
with the main line tracks of BNSF  
Railway Company and CN, and for  
determination by the Illinois  
Commerce Commission of the  
appropriate level of warning devices  
and division of the costs among the  
parties.

Chicago, Illinois

December 2, 2008

1 Met pursuant to notice at 10:00 a.m.

2 BEFORE:

3 MR. DEAN JACKSON, Administrative Law Judge.

4 APPEARANCES:

5 DALEY MOHAN & GROBLE, by  
6 ROBERT J. PRENDERGAST  
7 55 West Monroe Street, Suite 1600  
8 Chicago, Illinois 60603  
9 appeared for the BNSF Railway;

10 MR. LAWRENCE PARRISH  
11 300 West Adams Street, Floor 2  
12 Chicago, Illinois 60606  
13 appeared for IDOT,

14 FLETCHER & SIPPEL, by  
15 MR. JEREMY BERMAN  
16 29 North Wacker Drive  
17 Chicago, Illinois 60606  
18 appeared for Chicago Central &  
19 Pacific Railroad;

20 MR. LANCE JONES  
21 2300 South Dirksen Parkway  
22 Springfield, Illinois 62764  
23 appeared for IDOT, telephonically;

24 MR. JOSEPH VON DE BUR  
25 527 East Capitol Avenue  
26 Springfield, Illinois 62701  
27 appeared for Staff, telephonically.

28

29 SULLIVAN REPORTING COMPANY, by  
30 Teresann B. Giorgi, CSR

1		<u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u>	
2			Re- By
3	<u>Witnesses:</u>	<u>Dir.</u> <u>Crx.</u> <u>dir.</u> <u>crx.</u> <u>Examiner</u>	
4	NONE		
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10		<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>	
11	<u>STAFF'S</u>	<u>For Identification</u>	<u>In Evidence</u>
12	NONE		
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1 JUDGE JACKSON: Pursuant to the authority vested  
2 in me by the Illinois Commerce Commission and the  
3 State of Illinois, I will call Docket No. T07-0091  
4 for hearing.

5 This is a Petition filed by BNSF  
6 Railway Company, Dunlieth Township in the city of  
7 East Dubuque now, because the land was annexed into  
8 the city recently in Jo Daviess County and Canadian  
9 National Railway and the State of Illinois,  
10 Department of Transportation.

11 Appearances, please.

12 Let's start with the Railroad, BNSF  
13 and move around the table.

14 MR. PRENDERGAST: Good morning, your Honor.

15 Bob Prendergast from the law firm  
16 Daley Mohan & Groble, 55 West Monroe Street,  
17 Suite 1600, Chicago, 60603, phone number is  
18 312-422-0799, on behalf of the BNSF.

19 JUDGE JACKSON: Thank you.

20 Mr. Parrish.

21 MR. PARRISH: Lawrence Parrish on behalf of the  
22 Office of Chief Counsel, Illinois Department of

1 Transportation, 300 West Adams, Chicago, Illinois  
2 60606, telephone number, 312-793-5737.

3 MR. BERMAN: Jeremy Berman, on behalf of the  
4 Chicago Central & Pacific Railroad Company, address  
5 is 29 North Wacker Drive, Suite 920, Chicago,  
6 Illinois 60606, phone number is 312-252-1500.

7 JUDGE JACKSON: Thank you.

8 Mr. Von De Bur?

9 MR. VON DE BUR: Joe Von De Bur, railroad safety  
10 specialist with the Illinois Commerce Commission,  
11 527 East Capitol Avenue, Springfield, Illinois  
12 62701, phone is 217-557-1286.

13 JUDGE JACKSON: And Mr. Jason Johnson is here  
14 with us from IDOT, as well as John Saladino from  
15 Staff.

16 We've had an extension discussion off  
17 the record. Let me see if I could summarize it.

18 We're pretty much ready to go to  
19 order. Mr. Johnson has an agreement that the  
20 parties need to execute. There's also the matter of  
21 an outstanding estimate as prepared by the Railroad  
22 for the warning devices to be installed at the two

1 crossings involved in this case.

2                   What we're going to do is mark the  
3 record heard and taken, allow the executed agreement  
4 to be filed as a late filed exhibit. And then  
5 Mr. Von De Bur and the parties will prepare a draft  
6 order to submit to me once we have all the relevant  
7 material on file. And then I will turn that order  
8 into a full order for the Commission and do my  
9 recommendation memo for the Commission and we'll go  
10 to order as soon as all of the above is completed.

11                   Is that fair enough, everyone?

12       MR. PRENDERGAST: Yes, your Honor.

13       MR. PARRISH: That's fair.

14       JUDGE JACKSON: Okay. Everyone in agreement?  
15 All in favor say aye.

16                   (Chorus of ayes.)

17       JUDGE JACKSON: All against, nay.

18                   (No response.)

19       JUDGE JACKSON: Okay. The record is marked  
20 heard and taken.

21                   HEARD AND TAKEN

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